

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 661 of 1989

For Approval and Signature:

Hon'ble MR.JUSTICE R.K.ABICHANDANI

- =====
1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

M R SHRIMALI

Versus

STATE OF GUJARAT

Appearance:

MR BP TANNA for Petitioners
MR PREMAL JOSHI, AGP for the State.

CORAM : MR.JUSTICE R.K.ABICHANDANI

Date of decision: 10/11/2000

ORAL JUDGEMENT

The questions raised in this petition centre around the applicability of the Departmental Examination Rules, which have a bearing on the question of the eligibility of the employees who qualify themselves for promotion to the higher post on the aspect of their

seniority position inter-se between those who have passed the Departmental examination within specified period and specified chances and those who have not. When this petition is called out for hearing, it is pointed out that similar questions have been considered and decided by this Court on 27.10.1999 in Special Civil Application No. 6325 of 1994 and other cognate matters. The question has also been considered and decided in LPA No. 219 of 1983 decided on 17.8.2000. The learned Counsel for the petitioners states that the petitioners will therefore make a fresh application to the respondent authorities within four weeks from today pointing out the relevant decisions of the Court on similar Rules and in similar matters and putforth their claim as regards their seniority position. The learned Counsel appearing for the respondent authorities states that if such a representation is received by the authority, it shall be duly considered in light of the relevant rules and the decisions that may be brought to the notice of the authority and a fresh decision will be taken in the matter within six months after the receipt of such representation. It is accordingly directed that on receipt of the representation of the petitioners in this matter, the concerned authority shall take a fresh decision in accordance with law and the ratio of the judgements on similar rules as may be pointed out by the petitioners in their representation, as stated by their Counsel. The decision shall be taken independent of the stand already taken hitherto or the previous publications of the lists, and in accordance with law, within six weeks of the receipt of the representation. In view of this arrangement, rule is discharged with no order as to costs. Interim relief stands vacated.

*/Mohandas